



**MILLSTONE TOWNSHIP PLANNING BOARD
MINUTES
February 22, 2024**

The Millstone Township Planning Board regular meeting was called to order by Chairman Newman on Thursday, February 22, 2024 7:30 p.m. at the Municipal Meeting Room, 215 Millstone Road, Millstone Township, NJ 08535. Notice of this meeting was provided in accordance with the Open Public Meetings Law.

Ms. Sims read the Open Public Meetings Act Statement.

There was a salute to the Flag.

OATHS OF OFFICE:

The following appointed Board members were sworn in for their term in advance of the meeting:

- Robert Beck (Class IV) Ending December 31, 2027 (4-years)
- Steve Parrino (Alternate I) Ending December 31, 2025 (2-years)

Roll call for the below members was called:

Present: Chairman Newman, Vice-Chairman Pado, C/M Ziner, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Lambros (arrived late), Mr. Pepe and Mr. Parrino (Alt. I).

Absent: Ms. Sinha and 1 vacant seat (Alt. II).

Attending: Matthew Kalwinsky, Esq. (for Michael Steib), Board Attorney; Matt Shafai, PE, PP, Board Engineer; John Barree, AICP, PP (for McKinley Mertz), Board Planner; Deanna Wizbicki (for Angela Buonantuono), Board Court Reporter; Danielle B. Sims, Board Secretary. Planner Barre and Engineer Shafai were sworn in.

Mr. Parrino was seated for Ms. Sinha.

PUBLIC COMMENTS:

Chairman Newman opened the meeting up to members of the public for comments on matters not before the Board. With no members of the public coming forward, Chairman Newman closed the public comments session.

BOARD GENERAL COMMENTS:

C/W Zabrosky read a proclamation from the Township Committee for Chris Pepe, thanking him for his 20 years of service. This was read at the recent Township Committee meeting, but Mr. Pepe was not able to attend the Township Committee meeting.

MINUTES:

Minutes from January 10, 2024

Chairman Newman asked the Board if they had any comments on the minutes that were prepared. With no comments from the Board, Mr. Kotby made a motion to adopt the Minutes from the January 10, 2024 Reorganization and Regular Planning Board Meeting, which was seconded by Chairman Newman. The Minutes were adopted on a roll call vote: Chairman Newman, Vice-Chairman Pado, C/M Ziner, C/W Zabrosky, Mr. Kotby and Mr. Pepe.



RESOLUTION(S):

**Hexa Builders, LLC – Resolution of Denial – Not Adopted: CARRY TO MARCH 13, 2024
Block 9, Lot 7 – 711 Perrineville Road
Final Major Site Plan Application # P21-05**

On a motion from Chairman Newman; which was seconded by Mr. Kotby, and on a roll call vote, this resolution was carried to the March 13, 2024 Planning Board meeting at the request of the applicant: Chairman Newman, Vice-Chairman Pado, C/M Ziner, C/W Zabrosky, Mr. Kotby and Mr. Pepe, 6-0.

Mr. Lambros arrived.

**2nd Extension of Minor Subdivision Approvals for AACDML Property, LLC
Block 53, Lots 2.03 & 3 (proposed Lots 3.01 & 3.02) – State Highway 33
Minor Subdivision Application # P21-10 (2nd Ext.)**

Chairman Newman made a motion to memorialize the resolution of approval, which was seconded by Mr. Pepe. Chairman Newman asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Chairman Newman, Vice-Chairman Pado, C/M Ziner, C/W Zabrosky, Mr. Kotby, Mr. Lambros and Mr. Pepe.; Motion Approved, 7-0.

DISCUSSION OF THE BOARD AND RESOLUTION(S):

Chairman Newman introduced the substitute professionals.

**Consistency Report – Ordinance No 24-03
Ordinance Amending Chapter 35 (Land Use Development), Article 5, Section 5-13 (BP,
Business Park Zone) and The Schedule of Area, Yard and Building Requirements (Section 5-
13.4) of the Revised General Code**

Planner Barree explained that there is a proposal to amend the BP Zone as it relates, only, to municipally sponsored affordable housing projects. This is in conjunction with the Housing Fair Share Plan where they would be permitting the extra height in the zone for 100% affordable municipally sponsored projects. Planner Barree stated he believes it is consistent with the Township's Fair Share Plan and the Master Plan. The Board confirmed that any market-rate units would not be covered by the proposed changes and it would only be for 100% municipally sponsored projects. These projects would be done in partnership between the developer and the Township.

Chairman Newman made a motion to memorialize the resolution, finding the proposed Ordinance consistent with the Township's Master Plan, which was seconded by Mr. Kotby. Chairman Newman asked if there were any comments from the Board; with none, the resolution was adopted on a roll call vote in favor: Chairman Newman, Vice-Chairman Pado, C/M Ziner, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Lambros, Mr. Parrino and Mr. Pepe. 9-0.

APPLICATION(S) BEFORE THE BOARD:

**JLE, LLC – REQUEST TO CARRY TO MARCH 13, 2024
Block 20, Lot 3.13 – 5300 State Highway 33
Preliminary and Final Major Site Plan Application # P21-03**



Proposal to demolish the existing retail golf facility and construct a 282,252 s.f. warehouse/office building with four (4) separate office spaces in the corners (2,400 s.f. per office = 9,600 s.f. office total), 96 loading bays, four (4) loading ramps and four (4) compactor bays, with associated site improvements on an approximately 43-acre property in the PCD Zoning District. Variance relief is required. The Board took jurisdiction on 10/12/22 and carried to 11/9/22, and 12/14/22, but adjourned. Applicant re-noticed for 4/12/23, carried to 5/10/23, 7/12/23, 8/9/23, 10/11/23, 11/8/23 and 12/13/23 without further notice. New notice was provided for 2/22/24. Extension of Time to Act on file through 3/30/24***.

Mr. Pape appeared on behalf of the applicant, explaining that they are seeking the application to be carried to the March 13, 2024 Planning Board meeting, without further notice.

Mr. Pape agreed to give an extension of time through April 30, 2024.

With that, the Board carried the continued application to the March 13, 2024 Planning Board meeting, to be held at 7:30 pm in the public meeting room, without any further notice.

**37 Burnt Tavern, LLC – REQUEST FOR MODIFICATION OF CONDITIONS OF SITE PLAN
Block 57, Lot 17.04 (Consolidated Lots 17.02 & 17.03) – 37 & 41 Burnt Tavern Road
Modification of Preliminary Major Site Plan Application # P21-16-A**

Applicant is seeking a modification of conditions for the Preliminary Major Site Plan approvals memorialized on May 10, 2023 to construct a 148,553 s.f. warehouse building (142,393 sf warehouse and 6,160 office area) on an undeveloped 10.88-acre parcel of land within the BP (Business Park) Zoning District with associated site improvements (Phase I). Phase II would consist of nine (9) additional loading stalls and reconstruction of a portion of the parking area in the front of the building. The request is related to the off-site intersection and roadway improvements.

Kenneth Pape, Esq. appeared on behalf of the applicant.

Board Attorney Steib reviewed the proof of service in advance of the meeting

Attorney Kalwinsky reviewed the additional exhibits that were submitted in support of the request for modification of conditions of approval and read them into the record:

APPLICANT'S EXHIBITS	
A-1	Jurisdictional Notice (Proof of Service)
A-2	Application and Administrative Forms
A-3	Request for modification of condition of approval (P21-16), prepared by K. Pape, Esq., dated 2/6/24
A-4	Copy of Prior Resolution P21-16, memorialized 5/10/23
A-5	Monmouth County Planning Board letter to Planning Board, 2 pages, dated 12/13/23
A-6	Driveway Grading Exhibit, prepared by Dynamic Engineering, one (1) sheet, dated 11/30/23
A-7	Roadway Improvement Layout Plan – Trenton Lakewood Rd (CR 571) & Burnt Tavern Rd., one (1) sheet, prepared by Dynamic Traffic, LLC, dated 1/22/24
A-8	Roadway Improvement Layout Plan – Monmouth Road (CR 537) & Burnt Tavern Rd., one (1) sheet, prepared by Dynamic Traffic, LLC, dated 1/22/24
A-9	Monmouth County Planning Board Request for More Information and Review memo, 4 pages, dated 2/12/24, plus Draft Comments Plan, five (5) marked up plan sheets.

*Certified reviewed the recording/transcript and reviewed the Exhibits and is eligible to vote



A-10	Conceptual Improvement Plan 'D', one (1) sheet, prepared by Dynamic Traffic, dated 3/17/23
A-11	Off-Site Improvements Exhibit, one (1) sheet, prepared by Dynamic Engineering, revised 2/22/24
MONMOUTH COUNTY PLANNING BOARD'S EXHIBITS	
MC-1	Intersection Aerial Display – CR 537/Burnt Tavern Rd./Anderson Rd., source unknown, undated
MC-2	CR 537 Corridor Improvements Plan (LSP Application #2), Sheet 1 of 2, prepared by T&M Associates, dated 2/2/22
MC-3	CR 537 Corridor Improvements Plan (LSP Application #2), Sheet 2 of 2, prepared by T&M Associates, dated 2/2/22
BOARD'S EXHIBITS	
	None.

The following witnesses were sworn in and were under oath:

- Matt Shafai, PE, PP – Board Engineer
- M. McKinley Mertz, AICP, PP – Board Planner
- Joseph Ettore, PE – Monmouth County Engineer
- Vincent Cardone, PE – Monmouth County Engineering
- Justin Taylor, PR – Applicant's Traffic Engineer

Mr. Joseph Ettore was sworn in and accepted as a professional licensed engineer, and as the Monmouth County Engineer.

Vice-Chairman Pado stated that he is more concerned with the trucks proposed to make the left turn onto Trenton Lakewood Rd. He experienced a truck turning movement where cars were forced to back up while on Monmouth Rd./Rd. 537.

Mr. Ettore marked Exhibit MC-1 (Monmouth County-1), an Aerial display of the intersection of CR 537, Burnt Tavern Rd. and Anderson Rd. The intersection improvements are 100% federally funded and have received support.

Mr. Vincent Cardone, PE, from Monmouth County Engineering provided his credentials as a licensed engineer. The Board accepted his credentials as an expert in traffic engineering. He explained that the intersections are part of proposed CR 537 corridor improvements.

The proposed improvements will take five to six years to complete. The Board discussed several different options with the proposed corridor improvements. There is a proposed roundabout that will be constructed at the traffic signal in front of the Jackson Outlets. Vehicles would be able to turn around at the roundabout to complete the right turn onto Burnt Tavern Rd. The Millstone Township Committee has already provided a Resolution of Support for the corridor improvements.

Mr. Cardone explained that the proposed "pork chop" island at the end of Burnt Tavern Rd. and CR 537 would be constructed as part of the corridor improvements. There would only be right-in and right-out access to Burnt Tavern at CR 537. Until the roundabout is complete, any vehicles looking to make the left to the site will pass the intersection and continue to Trenton Lakewood Rd. and make the left at the traffic signal, then make a left at the realigned intersection at Trenton Lakewood Rd. and Burnt Tavern Rd. Mr. Cardone stated that the timing of the traffic signal at CR 537 can be adjusted, if needed.

Justin Taylor was sworn in and was previously accepted as a professional traffic engineer and continues to be under oath. Mr. Taylor explained that the applicant received approvals from the Board to realign the intersection at Burnt Tavern, Trenton Lakewood Rd. and Squan Rd. Exhibit A-7

*Certified reviewed the recording/transcript and reviewed the Exhibits and is eligible to vote



shows that the intersection will be “squared off” to align with Squan Rd., eliminating the “slip ramp” condition. This will allow truck and vehicle movement to make the left turn onto Burnt Tavern Rd. He believes this will improve the safety of the intersection. Once the County completes the CR 537 corridor improvements, this left turn truck movement may no longer be utilized, but the improvements at the intersection will be in place. The queue lane to make the left turn will accommodate only one truck; however, the anticipated truck traffic at peak time is projected to be only four (4) trucks per hour.

Regarding site circulation, the first driveway will be full movement in and out. The second driveway (closest CR 537) is right out only and the site is designed to force all trucks to exit the second driveway and directly to make a right onto CR 537.

Mr. Pape explained the condition in the adopted Resolution would need to be amended because the approval required truck traffic to turn left onto Burnt Tavern and this movement is restricted by the County. They are seeking the Board’s confirmation that they are meeting the conditions of gaining the approval from the County; however, the off-site circulation has changed and is causing additional off-site improvements.

Vice-Chairman Pado confirmed that the applicant will take care of the pinch points on Burnt Tavern Rd. Engineer Shafai stated that the roadway is only 18’ wide in certain locations and will need to be widened to 22’. Mr. Pape stated that he would need to discuss this with his client.

The Board took a five-minute break.

Upon return, Mr. Pape stated that he has discussed the request with his client and they believe it is appropriate and relative to this application to make these improvements. He confirmed that the applicant commits to widening the Burnt Tavern Rd. to 22’ width approximately 300’ to the north, towards the Elks.

Chairman Newman opened the matter to the public.

Brian Scott of 19 Arrowhead Way was sworn in. He suggested that the county should install concrete barriers down the middle of CR 537 to help prevent the left turns onto Burnt Tavern Rd.

With no other members of the public coming forward, Chairman Newman closed the matter to the public.

C/M Ziner requested that the County reduce the speed on Millstone Rd. Mr. Ettore explained the process for this request, including that the Township would file the request and a speed study would need to be done.

The Board deliberated the application. Attorney Kalwinsky explained the process of amending a condition of an approval and summarized the applicant’s case.

Mr. Pape summarized the request and asked that the Board accept the County’s requirements for their approval and grant the request to amend the condition of approval.

Chairman Newman made a motion finding that the request for modification of the conditions of approval related to access and off-site circulation is appropriate, as requested. This motion was seconded by Ms. Sinha. This motion passed with the following roll call vote in favor: Chairman Newman, Vice-Chairman Pado, Mr. Beck, Mr. Kotby, Mr. Pepe and Mr. Parrino; those against: C/M Ziner, C/W Zabrosky and Mr. Lambros. Approved, 6-3.



EXECUTIVE SESSION:

Chairman Newman called for the Board to go into Executive Session in order to discuss potential litigation, making a motion to adopt a resolution under the Open Public Meetings Act to go into executive session; which was seconded by Mr. Pepe. On a roll call vote in favor: Chairman Newman, Vice-Chairman Pado, C/M Ziner, C/W Zabrosky, Mr. Beck, Mr. Kotby, Mr. Lambros, Mr. Parrino and Mr. Pepe; none opposed, the public meeting room was cleared and the Board went into executive session.

The Board went back onto record. On a motion from Chairman Newman, the Board voted to exit the Executive Session and proceed with the special meeting, with all in favor; none opposed.

NEW/OLD BUSINESS:

None.


BOARD DISCUSSION/CORRESPONDENCE:

None.

Executive ADJOURNMENT:

With no further business and with all in favor, Chairman Newman closed the meeting.

Respectfully submitted,


Danielle B. Sims, Board Secretary